

1 Rule 3-414. Court security.

2 Intent:

3 To promote the safety and well being of judicial personnel, members of the bar and  
4 citizens utilizing the courts.

5 To establish uniform policies for court security.

6 To delineate responsibility for security measures by the Council, the administrative  
7 office, local judges, court executives, and law enforcement agencies.

8 Applicability:

9 This rule shall apply to all courts.

10 Section ~~(8)~~(7) on weapons shall not apply to trial exhibits.

11 Statement of the Rule:

12 (1) Definitions.

13 (1)(A) Court security. Court security includes the procedures, technology, and  
14 architectural features needed to ensure the safety and protection of individuals within  
15 the courthouse and the integrity of the judicial process. Court security is the joint effort  
16 of law enforcement and the judiciary to prevent or control such problems as verbal  
17 abuse, insult, disorderly conduct, physical violence, demonstrations, theft, fire, bomb  
18 threats, sabotage, prisoner escapes, kidnappings, assassinations, and hostage  
19 situations.

20 (1)(B) Presiding judge. As used in this rule, presiding judge includes the judge of a  
21 single-judge courthouse. The presiding judge may delegate the responsibilities of this  
22 rule to another judge.

23 (2) Responsibilities of the Council.

24 (2)(A) The Council shall ensure that all design plans for renovation or new  
25 construction of court facilities are reviewed for compliance with security standards.

26 (2)(B) The Council shall promulgate general security guidelines to assist local  
27 jurisdictions in the development of court security plans. These guidelines and local  
28 security plans may supplement but shall not conflict with the following minimum  
29 requirements. If a facility fails to conform to the following requirements, the security plan  
30 for the courthouse shall note the deficiency, and the presiding judge and court executive  
31 shall use reasonable efforts to obtain funding for necessary modifications.

(2)(B)(i) All persons in custody shall be kept in a holding cell, restrained by restraining devices, or supervised at all times while in court unless otherwise specifically ordered by the judge in whose courtroom the individual appears.

(2)(B)(ii) Reserve parking near the entrance to the court facility shall be provided for court officials. Reserved parking shall not be identified by the name or title of the individual assigned to the space.

(2)(B)(iii) Building entrances, restrooms, holding cells and pedestrian circulation for law enforcement personnel transporting individuals in custody shall be separate from the general public and court officials. Building entrances, restrooms, offices and pedestrian circulation for court officials shall be separate from the general public. Access to non-public areas shall be controlled.

(2)(B)(iv) Holding cells shall be adjacent to courtrooms.

(2)(B)(v) Courtroom windows shall be draped or otherwise treated to restrict vision from outside the courtroom and securely fastened.

(2)(B)(vi) Physical barriers shall be provided between the public seating area of the courtroom and the participants' area.

(2)(B)(vii) Weapons and miscellaneous items which can be used as weapons shall be regulated as provided in this rule.

(2)(B)(viii) An emergency power system shall be provided for lighting and electrically operated doors.

(2)(B)(ix) Separate waiting areas shall be provided for defense witnesses, plaintiff or prosecution witnesses, and jurors.

(2)(B)(x) The bailiff shall maintain a clear line of sight of all courtroom participants and shall be between individuals who are in custody and courtroom exits.

(2)(C) As a condition for the certification of a new justice court or the continued certification of an existing justice court pursuant to Section 78-5-139, the justice court shall file an acceptable local security plan with the statewide security coordinator and shall file amendments to the plan with the statewide security coordinator as amendments are made. The local security plan shall provide for the presence of a law enforcement officer or constable in court during court sessions or a reasonable response time by the local law enforcement agency upon call of the court.

(3) Responsibilities of the Administrative Office.

(3)(A) The state court administrator shall appoint a statewide security coordinator who shall:

(3)(A)(i) review, approve and keep on file copies of all local security plans; and

(3)(A)(ii) periodically visit the various court jurisdictions to offer assistance in the development or implementation of local security plans.

(3)(B) The state court administrator shall appoint a court executive in each judicial district to serve as a local security coordinator.

(3)(C) The director of human resources shall maintain as part of each official personnel file information on each employee of the judiciary and his or her family necessary to ensure that adequate information is available to law enforcement agencies to respond to an emergency.

(4) Responsibilities of the court executive.

(4)(A) The court executive designated as the local security coordinator shall:

(4)(A)(i) in consultation with the law enforcement administrator responsible for security and with the judges responsible for the security plan, develop and implement a local security plan for each court of record facility within the district;

(4)(A)(ii) annually review the local security plan with the presiding judge and the law enforcement administrator to identify deficiencies in the plan and problems with implementation;

(4)(A)(iii) file an acceptable local security plan with the statewide security coordinator; and

(4)(A)(iv) file amendments to the plan with the statewide security coordinator as amendments are made.

(4)(B) The local security plan for a courthouse and any amendments to it shall be approved by a majority of the judges of the district of any court level occupying the courthouse. Voting shall be without regard to court level. As used in this subsection the term "judges of the district of any court level occupying the courthouse" shall include all judges of the district court of the district and all judges of the juvenile court of the district regardless of whether a particular judge occupies the courthouse so long as at least one judge of that court level occupies the courthouse. The term also includes the justices of

the Supreme Court, the judges of the Court of Appeals and any justice court judge who actually occupy the courthouse.

(4)(C) The court executive shall conduct an annual survey of all court facilities to identify steps necessary to meet security guidelines established by the Council.

(4)(D) The court executive shall provide a copy of the current local security plan and annual training on the plan to all employees, volunteers and security personnel.

(4)(E) The local plan shall clearly delineate the responsibilities between court personnel and law enforcement personnel for all areas and activities in and about the courthouse.

(4)(F) The court clerk or probation officer, under the supervision of the court executive, shall provide timely notice to transportation officers of required court appearances and cancellation of appearances for individuals in custody. The court shall consolidate scheduled appearances whenever practicable and otherwise cooperate with transportation officers to avoid unnecessary court appearances.

(4)(G) To the extent possible, the clerk of the court shall establish certain days of the week and times of day for court appearances of persons in custody in order to permit transportation officers reasonable preparation and planning time. The court shall give priority to cases in which a person in custody appears in order to prevent increased security risks resulting from lengthy waiting periods.

(5) Responsibilities of law enforcement agencies.

(5)(A) The law enforcement agency with responsibility for security of the courthouse, through a law enforcement administrator, shall:

(5)(A)(i) coordinate all law enforcement activities within the courthouse necessary for implementation of the security plan and for response to emergencies;

(5)(A)(ii) cooperate with the court executive in the development and implementation of a local security plan;

(5)(A)(iii) provide local law enforcement personnel with training as provided in this rule;

(5)(A)(iv) appoint court bailiffs; and

(5)(A)(v) provide building and perimeter security.

(5)(B) The law enforcement agency responsible for court security shall be as follows:

(5)(B)(i) The Department of Public Safety for the Supreme Court and the Court of Appeals when they are in session in Salt Lake County. When convening outside of Salt Lake County, security shall be provided by the county sheriff. The Department of Public Safety may call upon the Salt Lake County Sheriff for additional assistance as necessary when the appellate courts are convening in Salt Lake County.

(5)(B)(ii) The county sheriff for district courts and juvenile courts within the county.

(5)(B)(iii) The county sheriff for a county justice court and the municipal police for a municipal justice court. The county or municipality may appoint a constable to provide security services to the justice court. If a municipality has no police department or constable, then the law enforcement agency with which the municipality contracts shall provide security services to the justice court.

(6) Court bailiffs.

(6)(A) Qualifications. Bailiffs shall be "law enforcement officers" as defined in Section 53-13-103. At the discretion of the law enforcement administrator and with the consent of the presiding judge, bailiffs may be "special function officers" as defined by Section 53-13-105.

(6)(B) Training. Prior to exercising the authority of their office, bailiffs shall satisfactorily complete the basic course at a certified peace officer training academy or pass a waiver examination and be certified. Bailiffs shall complete 40 hours of annual training as established by the Division of Peace Officer Standards and Training. Bailiffs shall receive annual training on the elements of the court security plan, emergency medical assistance and the use of firearms.

(6)(C) Physical and mental condition. Court bailiffs shall be of suitable physical and mental condition to ensure that they are capable of providing a high level of security for the court and to ensure the safety and welfare of individuals participating in court proceedings. Bailiffs shall be capable of responding appropriately to any potential or actual breach of security.

(6)(D) Appointment. The appointment of a bailiff is subject to the concurrence of the presiding judge.

(6)(E) Supervision. The court bailiff shall be supervised by the appointing authority and perform duties in compliance with directives of the appointing authority.

(6)(F) Responsibilities. Court bailiff responsibilities shall include but are not limited to the following.

(6)(F)(i) The bailiff shall prevent persons in custody from having physical contact with anyone other than the members of the defense counsel's team. Visitation shall be in accordance with jail and prison policies and be restricted to those facilities.

(6)(F)(ii) The bailiff shall observe all persons entering the courtroom, their movement and their activities. The bailiff shall control access to the bench and other restricted areas.

(6)(F)(iii) The bailiff shall search the interior of the courtroom and restricted areas prior to the arrival of any other court participants. Similar searches shall be conducted following recesses to ensure the room is clear of weapons, explosives, or contraband.

(6)(F)(iv) Bailiffs shall wear the official uniform of the law enforcement agency by whom they are employed.

(6)(F)(v) Bailiffs shall comply with the directives of the judge or commissioner with respect to security related activities and shall perform other duties incidental to the efficient functioning of the court which do not detract from security functions. Activities wholly unrelated to security or function of the court, including personal errands, shall not be requested nor performed.

(6)(F)(vi) Bailiffs shall perform responsibilities provided for in the local court security plan.

(7) Weapons.

(7)(A) Weapons generally.

(7)(A)(i) A courthouse is presumed to be free of all weapons and firearms unless a local security plan provides otherwise in accordance with this rule. No person may possess an explosive device in a courthouse. Except as permitted by this rule, no person may possess a firearm, ammunition, or dangerous weapon in a courthouse.

(7)(A)(ii) All firearms permitted under this rule and a local security plan:

(7)(A)(ii)(a) and carried upon the person shall be concealed unless worn as part of a public law enforcement agency uniform;

(7)(A)(ii)(b) shall remain in the physical possession of the person authorized to possess it and shall not be placed in a drawer, cabinet, briefcase or purse unless the

person has physical possession of the briefcase or purse or immediate control of the drawer or cabinet or the drawer or cabinet is locked; and

(7)(A)(ii)(c) shall be secured in a holster with a restraining device.

(7)(B) Persons authorized to possess a firearm or other weapon.

(7)(B)(i) The following officers may possess a firearm and ammunition in a courthouse if the firearm is issued by or approved by the officer's appointing authority, ~~and~~ if possession is required or permitted by the officer's appointing authority and the local security plan, and if the officer presents valid picture identification:

(7)(B)(i)(a) "law enforcement officer" as defined in Section 53-13-103;

(7)(B)(i)(b) "correctional officer" as defined in Section 53-13-104;

(7)(B)(i)(c) "special function officer" as defined in Section 53-13-105; ~~and~~

(7)(B)(i)(d) "federal officer" as defined in Section 53-13-106; and

(7)(B)(i)(e) a private security officer, licensed under Utah Code Title 58, Chapter 63, Security Personnel Licensing Act, hired by the court or the court's banker to transport money.

(7)(B)(ii) A judge or law enforcement official as defined in Section 53-5-711 may possess in a courthouse a firearm and ammunition for which the judge or law enforcement official has a valid certificate of qualification issued under Section 53-5-711 if possession is permitted by the local security plan.

(7)(B)(iii) A court commissioner may possess in a courthouse a firearm and ammunition for which the court commissioner has a concealed weapons permit, but only if the court commissioner has obtained the training and annual retraining necessary to qualify for a certificate issued under Section 53-5-711 and if possession is permitted by the local security plan.

(7)(B)(iv) A person permitted under subsections (i), (ii) or (iii) to possess a firearm nevertheless shall not possess a firearm in a courthouse if the person is appearing at the courthouse as a party to litigation. A person possessing a firearm in a courtroom shall notify the bailiff or the judge.

(7)(B)(v) If permitted by the local security plan, a court employee or volunteer may possess in a courthouse an otherwise legal personal protection device other than a firearm. An employee or volunteer shall not possess a personal protection device while

appearing as a party to litigation. An employee or volunteer shall not possess a firearm while on duty.

(7)(C) Firearm training requirements.

(7)(C)(i) To requalify for a certificate issued under Section 53-5-711 a judge shall annually complete with a passing score a range qualification course for judges and law enforcement officials established by the Department of Public Safety or a course established by any law enforcement agency of the state of Utah or its political subdivision for the requalification of its officers.

(7)(C)(ii) The cost of firearms, ammunition, initial qualification, requalification and any other equipment, supplies or fees associated with a certificate of qualification issued under Section 53-5-711 shall be the responsibility of the judge or court commissioner and shall not be paid from state funds.

(8) Security devices and procedures.

(8)(A) Metal detectors. The use of metal detectors or other screening devices should be at the discretion of the law enforcement agency responsible for security/bailiff services. Such devices shall be operated only by law enforcement agencies.

(8)(B) Physical search. Searches of persons in or about the courthouse or courtroom shall be conducted at the discretion of the law enforcement agency responsible for security when the local law enforcement agency has reason to believe that the person to be searched is carrying a weapon or contraband into or out of the courthouse or when the court so orders. No other person is authorized to conduct such searches. Written notice of this policy shall be posted in a conspicuous place at the entrance to all court facilities.

(8)(C) Emergency communication system. An emergency communications system should be installed in each courtroom, judge's chamber, commissioner's chamber, and clerk's office. The system should be capable of alerting the law enforcement agency responsible for security of a disturbance situation by panic button, direct telephone line, or walkie-talkie. The system should be designed to identify the exact location of the emergency and the circumstances of the emergency to ensure that law enforcement may respond in a timely manner with sufficient capability to control the situation.

(8)(D) Extra security. In anticipated high risk situations or a highly publicized case, the law enforcement agency responsible for security should, on its own initiative or in response to an order of the court, provide extra security including additional personnel, controlled access, etc.

(9) Transportation of persons in custody.

(9)(A) The federal, state, county or municipal agency with physical custody of a person whose appearance in court is required is responsible for transportation of that person to and from the courtroom.

(9)(B) The transportation officer shall:

(9)(B)(i) remain present at all times during court appearances;

(9)(B)(ii) be responsible for the custody of such persons;

(9)(B)(iii) support the court bailiff in the preservation of peace in the courthouse and courtroom;

(9)(B)(iv) provide advance notice of the transportation and of any extraordinary security requirements to the law enforcement agency responsible for court security, to the judge, and to the bailiff;

(9)(B)(v) comply with any regulations of the county sheriff regarding the transportation of persons in custody to court; and

(9)(B)(vi) return the person in custody to the proper place of confinement.

(9)(C) The law enforcement agency responsible for court security shall provide assistance to the transportation officer as circumstances dictate.